

1  
2  
3  
4  
5  
6  
7 BEFORE THE INSURANCE COMMISSIONER  
8 OF THE STATE OF WASHINGTON

9 In the Matter of the Application regarding  
10 the Conversion and Acquisition of Control  
11 of Premera Blue Cross and its Affiliates  
12

OIC Docket No. G02-45

13  
14 INTERVENERS' SECOND  
15 REQUEST FOR PRODUCTION OF  
16 DOCUMENTS AND PREMERA'S  
17 RESPONSES THERETO  
18  
19

20 TO: Applicant, Premera and Premera Blue Cross and its Affiliates;

21 AND TO: Robert Mitchell and Thomas Kelly, their attorneys

22 PURSUANT TO RCW 48.31C.030(4); 48.31B.015(4)(b); 34.05.446; CR 26 and  
23 34, and the Fifteenth Order of the Insurance Commissioner, you are required to answer, in  
24 writing, the following requests for production of documents. Unless otherwise agreed,  
25 documents produced are to be delivered to Richard Spoonemore, Sirianni, Youtz, Meier  
and Spoonemore at 1100 Millennium Tower, 719 Second Avenue, Seattle, WA 98104.

These requests for production is continuing in nature and at such time as further  
information is discovered which makes any prior answer incomplete, inaccurate, or  
misleading, the answer should be supplemented promptly at the time of discovery of  
additional information.

COPY

INTERVENERS' SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS AND  
PREMERA'S RESPONSES THERETO -- 1

K:\34458\00009\LKCLKC\_P219N

PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1           **OBJECTION**

2           Premera objects to these instructions to the extent that they improperly imply an  
3 obligation to produce documents at the offices of Interveners' counsel and the instruction  
4 to supplement as beyond the obligations imposed by Civil Rule 26.

5           **REQUEST FOR PRODUCTION NO. 26:**

6           Please produce the draft consultant reports and executive summaries submitted to  
7 Premera by the OIC Staff.

8           **RESPONSE:**

9           Premera will produce two versions of each report and executive summary. The  
10 first, an Attorneys' Eyes Only ("AEO") version, will retain the full text of the original  
11 draft but with AEO material and confidential material bracketed in the margins. AEO  
12 material will be entirely redacted from the second version of each report, which will be  
13 marked Confidential.

14           The designation of portions of the documents as AEO or Confidential is done  
15 pursuant to the Commissioner's Eighth Order: Protective Order. Further, these  
16 documents are subject to the portion of the Commissioner's Fifteenth Order that requires  
17 the entire draft reports and summaries to be treated as Confidential by the parties.

18           Premera expects that counsel will (1) limit copies of the reports and account for  
19 them, (2) distribute copies only as authorized by the protective order, and (3) remind all  
20 recipients that the protective order applies. Premera anticipates that any disclosure of  
21 AEO material or confidential material will be done under the strict terms of the  
22 confidentiality agreement incorporated in the protective order. AEO information may not  
23 be disclosed to any person other than those specified in subparagraph 3(b)(i) of the  
24 protective order without full compliance with the procedures set forth in subparagraph  
25

3(b)(ii), including but not limited to the written notice and service of signed Appendix A declaration preceding any such disclosure.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce the draft consultant reports and executive summaries submitted to  
Premera by Alaska Division of Insurance.

RESPONSE:

Premiera has no such documents in its possession, custody, or control.

REQUEST FOR PRODUCTION dated this \_\_\_\_ day of October, 2003.

SIRIANNI YOUTZ MEIER &  
SPOONEMORE

By Richard E. Spoonemore, WSBA #21833 /S/

Attorney for Intervenor Washington  
Citizen Action, American Lung  
Association of Washington, Northwest  
Federation of Community Organizations,  
Northwest Health Law Advocates,  
Service Employees International Union  
Washington State Council, The  
Children's Alliance, Washington  
Academy of Family Physicians,  
Washington Association of Churches and  
Washington State NOW Washington  
Association of Community and Migrant  
Health Centers, Washington Protection  
and Advocacy System

On behalf of all Intervenor Groups, with authority.

1 STATE OF WASHINGTON )  
2 : ss.  
3 County of \_\_\_\_\_ )

4 I, \_\_\_\_\_, am counsel for \_\_\_\_\_  
5 herein and state that the foregoing answers and response are true and correct to the best of  
6 my knowledge.  
7  
8  
9

10 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_,  
11 2003.

12 \_\_\_\_\_  
13 NOTARY PUBLIC in and for the State of  
14 Washington, residing at \_\_\_\_\_  
15 My commission expires: \_\_\_\_\_

16  
17 **ATTORNEY CERTIFICATION**

18 The undersigned attorney for Premera, having read the foregoing Responses to  
19 Requests for Production, certifies that they are in compliance with CR 26(g).

20 DATED this 10<sup>th</sup> day of October, 2003.

21 PRESTON GATES & ELLIS LLP

22  
23 By Robert B. Mitchell  
24 Robert B. Mitchell, WSBA # 10874  
25 Attorneys for PREMERA and  
Premera Blue Cross